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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,488	07/03/2003	Alexandre Cervinka	07868-008	4441

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CANADA

EXAMINER

PHAM, TUAN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,488

Applicant(s)

CERVINKA ET AL.

Examiner

TUAN A. PHAM

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 13-16, and 21 is/are rejected.
- 7) ☒ Claim(s) 6-9, 11, 12, 17-20, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/09/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/09/2004 has been considered by Examiner and made of record in the application file.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**4. Claims 1-5, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson (U.S. Patent No.: 5,950,110) in view of Narusawa (Pub. No.: US 2005/0143060).**

**Regarding claims 1-2, and 13,** Hendrickson teaches a device for detecting a communication-interfering jammer (see figure 1, system controller 14, col.3, ln.55-67) in the proximity of a communication equipment (read on transmitter 18) normally receiving an intelligible signal (see figure 1, receiver 20, transmitter 18, col.3, ln.55-67), comprising:

means for detecting a communication-interfering jammer in the proximity of the communication equipment (see figure 1, receiver 20 is detecting the signal from transmitter 18, col.3, ln.55-67) when the discriminating means indicates that there exists no other cause for the absence of reception of the intelligible signal by the communication equipment (see figures 1&5B, receiver 20 is detecting the signal from transmitter 18, when the receiver 20 is not receiving the message packet from the transmitter 18. The receiver 20 will detect a jamming signal, col.3, ln.55-67, col.7, ln.63-67, col.8, ln.1-32).

It should be noticed that Hendrickson fails to teach means for detecting an absence of reception of the intelligible signal by the communication equipment, and means for discriminating the detection of a communication-interfering in the proximity of the communication equipment from at least one other cause for the absence of

reception of the intelligible signal by the communication equipment. However, Narusawa teaches means for detecting an absence of reception of the intelligible signal by the communication equipment (see figure 1, detector 5 is detected the signal from the base station, if the signal detect from the base station is weak then the mobile station is out of service area (see [0071-0080]), and means for discriminating the detection of a communication-interfering in the proximity of the communication equipment from at least one other cause for (read on out of service area) the absence of reception of the intelligible signal by the communication equipment (see figure 1, detector 5 is detected the signal from the base station, if the signal detect from the base station is weak then the mobile station is out of service area (see [0071-0080])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Narusawa into view of Hendrickson in order to inform the user is out of service area as suggested by Narusawa at column 1, [0014-0015].

**Regarding claims 3 and 14**, Narusawa further teaches detection of mobile out of service area (see col.3, [0072-0080]).

**Regarding claims 4 and 15**, Hendrickson further teaches a situation of interference (see col.8, ln. 1-15, jamming signal is interference signal).

**Regarding claims 5 and 16**, Hendrickson further teaches a situation of interference on the common channel (see col.8, ln. 1-15, jamming signal is interference signal. The receiver 20 is communicated with transmitter 18 is on the same channel).

**5. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson (U.S. Patent No.: 5,950,110) in view of Narusawa (Pub. No.: US 2005/0143060) as applied to claims 2 and 13 above, and further in view of Cromer et al. (Pub. No.: US 2003/0181215, hereinafter, "Cromer").**

Regarding claims 10 and 21, Hendrickson and Narusawa, in combination, fails to teach compare the power level of the channel. However, Cromer teach such feature (see [0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cromer into view of Hendrickson and Narusawa in order to transmit the signal between the mobile and access device.

#### ***Allowable Subject Matter***

6. Claims 6-9, 11-12, 17-20, and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Hirono (U.S. Patent No. 6,424,818), Law (U.S. Patent No. 5,812,056), and Filipovic (U.S. Pub.

No. 2005/0130687) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618  
April 7, 2006  
Examiner

Tuan Pham



Matthew Anderson  
SPE 2618